

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERESA SPAGNA,

Plaintiff,

vs.

DANIEL W. TIFT, JONAH M. BUSS, CODY
M. CASPER, ALAN J. ANDERSON, and
DAVID MELER, individually and as agents of
Phi Kappa Psi Fraternity, Inc. and the Nebraska
Beta Chapter of Phi Kappa Psi Fraternity; and
NEBRASKA BETA CHAPTER OF PHI
KAPPA PSI FRATERNITY, an unincorporated
association;

Defendants.

8:19CV481

ORDER

This matter is before the Court upon Plaintiff's Motion for Leave to Serve Defendant Daniel W. Tift by Publication ([Filing No. 146](#)). Plaintiff requests a court order directing that service be had upon Defendant Tift by publication in The Daily Record of Omaha, once a week for three successive weeks. Plaintiff also asks for an extension of time to serve Defendant Tift pursuant to [Federal Rule of Civil Procedure 4\(m\)](#).

Upon the Court's review of the motion and affidavit ([Filing No. 146-1](#)), the Court finds Plaintiff has demonstrated that service upon Defendant Tift cannot be made with reasonable diligence by other methods provided by statute, and finds good cause to extend Plaintiff's time to serve Defendant Tift under Fed. R. Civ. P. 4(m). Therefore, the Court will permit Plaintiff to serve Defendant Tift by publication in the manner and form provided by the statutes of the State of Nebraska, as authorized by [Fed. R. Civ. P. 4\(e\)\(1\)](#). See [Neb. Rev. Stat. § 25-517.02](#). Accordingly,

IT IS ORDERED that Plaintiff's Motion for Leave to Serve Defendant Daniel W. Tift by Publication ([Filing No. 146](#)) is granted, and that service upon Defendant Daniel W. Tift may be made by publication in the manner and form provided by the statutes of the State of Nebraska, as authorized by [Federal Rule of Civil Procedure 4\(e\)\(1\)](#).

Dated this 13th day of August, 2020.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge